IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| UNITED STATES | OF AMERICA | : |
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v. : CRIMINAL NO. 17-129-01

MARK NEISSER :

ORDER

AND NOW, this day of , 2018, upon consideration of the government's motion to disclose paragraph 25 of the presentence report, and the defendant's non-opposition thereto, IT IS HEREBY ORDERED that the government's motion is **GRANTED**, and the government may produce paragraph 25 of the presentence report to the defense attorneys in *United States v. Spencer*, et al., Crim. No. 17-391.

BY THE COURT:

HONORABLE JUAN R. SANCHEZ Judge, United States District Court

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

v. : CRIMINAL NO. 17-129-01

MARK NEISSER :

GOVERNMENT'S MOTION TO DISCLOSE PARAGRAPH 25 OF PRESENTENCE REPORT

The United States of America, by its attorneys, William M. McSwain, United States Attorney for the Eastern District of Pennsylvania, and Michelle L. Morgan and Anthony Wzorek, Assistant United States Attorneys for the District, hereby moves this Honorable Court to disclose paragraph 25 of the presentence report. The bases for the motion are as follows:

- The defendant in this matter awaits sentencing on conspiracy to commit bribery and a
 presentence report has been prepared. Paragraph 25 of that report reflects that the
 defendant gave a statement about the case to the Probation Officer.
- 2. The defendant is expected to be called as a trial witness in *United States v. Spencer*, *et al.*, Crim. No. 17-391, scheduled to proceed to trial before Your Honor on August 20, 2018. Under a liberal interpretation of the Jencks Act, 18 U.S.C. § 3500, and the government's *Giglio* obligations, the government wishes to produce the statement to the defense in that case.
- 3. The defendant's counsel has indicated that he has no objection to the production of the statement to the defense in *United States v. Spencer*.

WHEREFORE, the government respectfully requests that its motion to produce paragraph 25 of the presentence report to the defense attorneys in *United States v. Spencer, et al.*, Crim. No. 17-391 be granted.

Respectfully submitted,

WILLIAM M. MCSWAIN United States Attorney

s/Michelle L. Morgan
MICHELLE L. MORGAN
ANTHONY WZOREK
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the Government's motion to disclose paragraph 25 of the presentence report has been e-filed and thereby served upon the following:

Judson A. Aaron, Esq. 1500 Market Street Suite 3900 Centre Square West Tower Philadelphia, PA 19102 jaaron@cogr.com

s/Michelle L. Morgan

MICHELLE L. MORGAN Assistant United States Attorney

Date: June 19, 2018